

Application No. 10/655,938
Amendment dated April 20, 2005
Reply to Office Action of December 22, 2004

REMARKS

Claims 1-13, and 15 are pending in the application; the status of the claims is as follows:

Claims 10 and 11 are object to because of informalities.

Claims 1-9, and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,619,030 to Shiomi ("Shiomi").

Claims 10-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shiomi in view of U.S. Patent No. 5,861,915 to Sato et al ("Sato et al.").

Claim 10 has been amended to correct an error resulting in a lack of proper antecedent basis. Claim 15 has been cancelled. These changes do not introduce any new matter.

Final Rejection is Improper

"Under present practice, second or any subsequent actions on the merits shall be final, *except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims* nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)." MPEP 706.07(a) (emphasis added).

It is respectfully submitted that claims 6 and 9 are rejected in the present Office Action as being anticipated by Shiomi; whereas, the same claims were rejected in the previous Office Action as being anticipated by Takayuki. The new grounds of rejection were not necessitated by applicant's amendment, at least because independent claim 7 has not been amended. It is further submitted that no IDS was filed during the period set forth

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in 37 C.F.R. § 1.97(c). Accordingly, the finality of the present Office Action is improper and should be withdrawn.

Objection to Drawings

Claim 15 has been cancelled thereby mooted the objection to the drawings.

35 U.S.C. § 102(b) Rejection

The rejection of claims 1-9, and 15 under 35 U.S.C. § 102(b) as being anticipated by Shiomi, is respectfully traversed based on the following.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.... The identical invention must be shown in as complete detail as is contained in the ... claim. The elements must be arranged as required by the claim...." (Citations omitted) See MPEP § 2131. It is respectfully submitted that Shiomi cannot anticipate claims 1-9 and 15, at least because Shiomi fails to disclose each element of the claims arranged as required by the claims.

Claim 1 recites, *inter alia*, first and second "shake sensor[s] which detects a shake of the image sensing apparatus" that first and second detection characteristics, respectively, wherein the "second detection characteristic is different than the first detection characteristic." Shiomi discloses a system for preventing image blur employing multiple complementary sensors. Two angular velocity sensors are oriented to sense camera motion along two different axes and to provide signals indicative of camera motion along the two axis. An image field sensor capture images which are processed by vector calculation circuitry to calculate an amount of camera motion based on the movement of an object image in the captured images. Column 3, line 21 – column 4, line 33. That is, the vector calculation circuitry infers camera motion based on the apparent motion of an object image.

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It is respectfully submitted, however, that the image field sensor is not a "shake sensor which detects a shake of the image sensing apparatus." Rather, camera motion is inferred from the motion of object images. Particularly telling is that the inference may be incorrect if a scene being captured is in motion relative to a perfectly motionless camera, *e.g.*, a close-up image of the side of a truck as it drives past a stationary camera. Thus, the image field sensor cannot be read on by the claimed shake sensors.

Moreover, even assuming *arguendo* that one of the claimed shake sensors could read on Shiomi's image field sensor, claim 1 still distinguishes over Shiomi because the angular velocity sensors and image field sensors are not operative at the same time. Specifically, Shiomi discloses that shake signals from the angular velocity sensors are used when camera shake has a high frequency; whereas, the shake signals derived from the image field sensor are used when camera shake has a low frequency. Column 1, lines 30-50. Shiomi also discloses that the vertical and horizontal shake detection circuits are identical. Therefore, it appears that a correction signal from an angular velocity sensor and a correction signal derived from the image field sensor are not used at the same time. As a result, Shiomi fails to disclose an apparatus in which camera shake is corrected based on signals from both the angular velocity sensor and the image field sensor.

For at least the reasons provided above, it is respectfully submitted that independent claim 1, as well as claims 2-6 which depend therefrom, distinguish over Shiomi.

Claim 7 recites, *inter alia*, "a yaw sensor which detects a shake of the image sensing apparatus in a yaw direction" and "a pitch sensor which detects a shake of the image sensing apparatus in a pitch direction, the pitch sensor having a detection precision higher than the yaw sensor." As provided above in respect of claim 1, Shiomi fails to disclose using shake sensors "which detect a shake of the image sensing apparatus" have different precision. It is respectfully submitted, therefore, that claim 7, as well as claims 8 and 9 which depend therefrom, distinguish over Shiomi.

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Claim 15 has been cancelled, thereby mooted the rejection thereof.

Accordingly, it is respectfully requested that the rejection of claims 1-9, and 15 under 35 U.S.C. § 102(b) as being anticipated by Shiomi, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejection

The rejection of claims 10-13 under 35 U.S.C. § 103(a), as being unpatentable over Shiomi in view of Sato et al., is respectfully traversed based on the following.

As provided above in respect of claim 7, Shiomi fails to disclose yaw and pitch sensors "which detect a shake of the image sensing apparatus," wherein the pitch sensor has "a detection precision higher than the yaw sensor." It is respectfully submitted that Sato also fails to disclose these features of claim 7. Accordingly, claims 10-13 which depend from claim 7 and therefore include all of the limitations of claim 7 distinguish over the combination of Shiomi and Sato.

Moreover, claims 10-13 recite an apparatus wherein the pitch and yaw shake detection sensors have different characteristics. In stark contrast, both Shiomi and Sato, when viewed in their entirety, teach apparatus that use identical circuitry to detect shake in each of the pitch and yaw directions. Accordingly, absent the use of improper hindsight reconstruction to pick and choose elements from the cited references, there is no motivation or suggestion to combine the references and the combination cannot suggest the claimed circuitry.

Accordingly, it is respectfully requested that the rejection of claims 10-13 under 35 U.S.C. § 103(a) as being unpatentable over Shiomi in view of Sato et al., be reconsidered and withdrawn.

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CONCLUSION

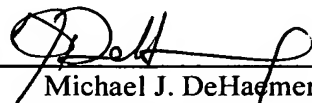
Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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